



PATENT
450101-02196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Takeshi Hashimoto, et al.
Serial No. : 09/601,255
For : METHOD OF ZOOM AND FADE TRANSITIONING
BETWEEN LAYERS OF INFORMATION SCREENS
Filed : September 25, 2000
Examiner : Boris M. Pesin
Art Unit : 2174
Confirmation No. : 9832

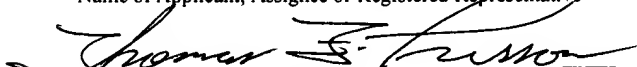
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FIRST CLASS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on November 9, 2006.

Thomas F. Presson, Reg. No. 41,442

Name of Applicant, Assignee or Registered Representative



Signature

November 9, 2006

Date of Signature

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief
Commissioner For Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated July 10, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1, 3, 5, 7, 9, 11, 22, 24, 26, 28, 30, and 32 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,801,747 to Bedard (hereinafter, merely “Bedard”), in view of European Patent Application No. 0717346 to Takiguchi et al. (hereinafter, merely “Takiguchi”), in view of U.S. Patent 6,002,401 to Baker (hereinafter, merely “Baker”) and further in view of U.S. Patent No. 6,392,670 to Takeuchi et al. (hereinafter, merely “Takeuchi”).

Claim 1 recites, *inter alia*:

“An information providing apparatus for providing a desired information screen by making selection from icons respectively assigned to information screens, comprising:

means for displaying a menu of recommended channels, said recommended channels selected based on high past frequencies of selection;

means for displaying a menu of categories, said categories containing programs classified into said categories based on program information;

means for displaying a menu of media, said menu of media representing contents of a plurality of recording/reproducing media...” (emphasis added)

ARGUMENTS

The §103 Rejections Should be Withdrawn Because the Cited References Do Not Disclose Each and Every Element Recited in the Claims

As understood by Applicants, Bedard relates to the presentation of television programs and television program guide information to a television viewer, where on-screen program listings and program selections are tailored based upon a viewer’s past viewing behavior.

As understood by Applicants, Takiguchi relates to relates to a hierarchical data display method for retrieving and displaying data from a data base, file system, in which a

plurality of data items are managed hierarchically, and to a browser system. More particularly, Takiguchi relates to a time-series data display method for displaying a plurality of data items that are managed using associated dates, and to an information processing system for realizing the method. Takiguchi also relates to an image editing method and system to be implemented in drawing software for handling images or a data base system.

As understood by Applicants, Baker relates to a pictorial user interface for accessing information in an electronic file system which provides a pictorial image which is linked to a file directory and which identifies the file directory.

As understood by Applicants, Takeuchi relates to a device setup support system, for supporting user operation under guidance on an output unit when the user sets up a device in a predetermined state.

It is respectfully submitted that the applied combination of Bedard, Takiguchi, Baker and Takeuchi does not teach the above-recited features of independent claim 1. Specifically, the Office Action cites Column 4, lines 49-65 and Column 7, lines 19-27 of Bedard (see Office Action page 3). Applicants respectfully disagree with the assertion that Bedard provides the disclosure missing from Takiguchi, Baker and Takeuchi.

The Office Action cites column 4, lines 49-65 of Bedard, which recites "...an associated total viewing unit counter 204 and one or more individual category or subcategory viewing unity counters 206. For a viewer's viewer profile collection period, total viewing counter 204 of entry 202 represents the total number of viewing units the viewer viewed the corresponding channel..."

The Office Action cites column 7, lines 19-27 of Bedard, which recites "...the information captured by the viewer profile can be used by and EPG to tailor display 400 so as to

provide faster access to information concerning the viewers preferred channels and/or programming categories...”

Applicants respectfully submit that Bedard, Takiguchi, Baker, or Takeuchi, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an information providing apparatus for providing a desired information screen by making selection from icons respectively assigned to information screens, comprising: means for displaying a menu of recommended channels, said recommended channels selected based on high past frequencies of selection; and means for displaying a menu of media, said menu of media representing contents of a plurality of recording/reproducing media, recited in claim 1.

Indeed, Applicants submit that an associated total viewing unit counter and one or more individual category or subcategory viewing unity counters utilized during a collection period, which represents the total number of viewing units the viewer viewed on a corresponding channel, where a viewer profile is tailored to grant faster access to preferred channels and categories as in Bedard, discloses no suggestion of displaying a menu of recommended channels which are selected based on high past frequencies of selection and displaying a menu of media which represents contents of a plurality of recording/reproducing media.

Furthermore, Applicants submit that not only does Bedard, Takiguchi, Baker, or Takeuchi, taken alone or in combination, fail to teach or suggest the claimed features, but the combination of Bedard, Takiguchi, Baker, or Takeuchi is improper because it lacks motivation. Applicants submit that one skilled in the art would not be motivated to combine a television viewer profile, as disclosed in Bedard, with a time-series data display method for displaying time-series data items, as disclosed in Takiguchi, with a pictorial user interface for accessing information in an electronic file system, as disclosed in Baker, with an HTML file corresponding

to a browser as a display screen, as disclosed in Takeuchi. Applicants respectfully submit that the combination of Bedard, Takiguchi, Baker, or Takeuchi is the result of improper hindsight using Applicant's claimed invention as a blueprint. Applicants also respectfully submit that picking and choosing particular features from divergent patents is improper and such a combination may not be used as a basis of rejection.

Therefore, for the above-stated reasons, Applicants submit that the combination of Bedard, Takiguchi, Baker, or Takeuchi is improper and the rejection should be withdrawn.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Claims 3, 7, 9, 22, 24, 28, and 30 are similar, or somewhat similar, in scope to claim 1, and are therefore patentable for similar, or somewhat similar, reasons.

Therefore, Applicants submit that independent claims 1, 3, 7, 9, 22, 24, 28, and 30 are patentable.

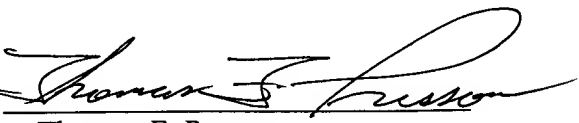
The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons.

Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

Respectfully submitted,

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